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IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

SIXTY-FIFTH LEGISLATIVE DAY
TUESDAY, MARCH 17, 2009

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Coiner and Stegner, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Mallory Triplett, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 16, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 16, 2009

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Wendy Lively to the Bingo-Raffle Advisory Board, term to expire January 7, 2012.

MCKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 16, 2009

The STATE AFFAIRS Committee reports out [H 32](#), as amended, [H 65](#), as amended, and [S 1142](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 32](#), as amended, [H 65](#), as amended, and [S 1142](#) were filed for second reading.

Senator Stegner was recorded present at this order of business.

March 16, 2009

The JUDICIARY AND RULES Committee reports out [H 164](#) and [H 168](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[H 164](#) and [H 168](#) were filed for second reading.

March 17, 2009

The RESOURCES AND ENVIRONMENT Committee reports out [S 1141](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

SCHROEDER, Chairman

There being no objection, [S 1141](#) was referred to the Fourteenth Order of Business, General Calendar.

March 16, 2009

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Kent Ireton to the Commission for the Blind & Visually Impaired, term to expire July 1, 2009.

Michael D. Gibson to the Commission for the Blind and Visually Impaired, term to expire July 1, 2011.

LODGE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 16, 2009

The HEALTH AND WELFARE Committee reports out [H 185](#) with the recommendation that it do pass.

LODGE, Chairman

[H 185](#) was filed for second reading.

March 17, 2009

March 17, 2009

The AGRICULTURAL AFFAIRS Committee reports out [H 124](#), [H 128](#), and [H 129](#) with the recommendation that they do pass.

CORDER, Chairman

[H 124](#), [H 128](#), and [H 129](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 17, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Roger Chase of Pocatello, Idaho, was appointed as a member of the Idaho Water Resource Board to serve a term commencing March 3, 2009, and expiring January 1, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 16, 2009

Dear Mr. President:

I transmit herewith [H 217](#), [H 205](#), [H 206](#), [H 213](#), [H 220](#), [H 222](#), [H 195](#), [H 46](#), as amended, [H 73](#), as amended, [H 161](#), as amended, [H 106](#), as amended, [HCR 25](#), [HCR 28](#), and [HCR 27](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 217](#), [H 205](#), [H 206](#), [H 213](#), [H 220](#), [H 222](#), [H 195](#), [H 46](#), as amended, [H 73](#), as amended, [H 161](#), as amended, [H 106](#), as amended, [HCR 25](#), [HCR 28](#), and [HCR 27](#) were filed for first reading.

Dear Mr. President:

I transmit herewith Enrolled [HCR 21](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [HCR 21](#) and ordered it returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1153

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE; AMENDING SECTION 18-8002, IDAHO CODE, TO PROVIDE THAT CERTAIN OFFENDERS ENROLLED IN DRUG COURT SHALL BE ELIGIBLE FOR RESTRICTED NONCOMMERCIAL DRIVING PRIVILEGES UNDER CERTAIN CONDITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-8002A, IDAHO CODE, TO REVISE INFORMATION REQUIRED TO BE GIVEN TO OFFENDERS, TO PROVIDE THAT CERTAIN OFFENDERS ENROLLED IN DRUG COURT SHALL BE ELIGIBLE FOR RESTRICTED NONCOMMERCIAL DRIVING PRIVILEGES UNDER CERTAIN CONDITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-8004A, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-8004C, IDAHO CODE, TO REVISE PENALTIES FOR EXCESSIVE ALCOHOL CONCENTRATION AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 18-8005, IDAHO CODE, TO REVISE PENALTIES RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR OTHER INTOXICATING SUBSTANCES AND TO MAKE TECHNICAL CORRECTIONS.

S 1154

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO FISCAL AFFAIRS OF SCHOOL DISTRICTS; AMENDING SECTION 33-5303, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO DELETE REFERENCE TO MAXIMUM LIMITS OF STATE SCHOOL BOND GUARANTEES; AMENDING SECTION 33-5304, IDAHO CODE, TO PROVIDE FOR APPLICATIONS, TO REQUIRE CERTAIN VOTER APPROVAL PRIOR TO APPLICATION, TO PROVIDE FOR FEES, TO PROVIDE FOR THE IDAHO SCHOOL BOND GUARANTY ADMINISTRATIVE FUND, TO PROVIDE A PROCESS RELATING TO THE DETERMINATION OF WHETHER A GUARANTY WILL BE MADE, TO PROVIDE FOR CERTIFICATES OF ELIGIBILITY AND TO PROVIDE FOR THE FOREGOING OF GUARANTIES BY SCHOOL DISTRICTS; AMENDING SECTION 33-5305, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE MONITORING OF FISCAL SOLVENCY OF SCHOOL

DISTRICTS, TO REVISE PROVISIONS RELATING TO INELIGIBILITY FOR FUTURE GUARANTIES AND TO REVISE PROVISIONS RELATING TO APPLICABILITY; AMENDING SECTION 33-5307, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE INTERCEPTION OF CERTAIN PAYMENTS, TO PROVIDE CORRECT TERMINOLOGY, TO PROVIDE FOR THE IMPOSITION OF CERTAIN PENALTIES ON SCHOOL DISTRICTS AND TO PROVIDE THAT CERTAIN ACTION MAY NOT BE TAKEN BY SCHOOL DISTRICTS THAT WOULD INCREASE THE RISK THAT THE STATE'S GUARANTY WOULD BE CALLED UPON AN ADDITIONAL TIME; AMENDING SECTION 33-5310, IDAHO CODE, TO PROVIDE THAT CERTAIN SCHOOL DISTRICTS MAY SEEK SPECIFIED CREDIT ENHANCEMENT; AMENDING SECTION 57-728, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE CREDIT ENHANCEMENT PROGRAM FOR SCHOOL DISTRICTS, TO PROVIDE FOR RULEMAKING, TO REVISE AND TO PROVIDE A PROCESS FOR THE PARTICIPATION OF SCHOOL DISTRICTS IN THE CREDIT ENHANCEMENT PROGRAM, TO PROVIDE A PROCESS IN THE EVENT MONEYS ARE INSUFFICIENT TO PAY A DEBT SERVICE PAYMENT, TO REVISE AND TO PROVIDE TERMS AND CONDITIONS FOR CERTAIN NOTES, TO PROVIDE THAT THE BOARD SHALL MAKE AVAILABLE A SPECIFIED SUM FROM THE PUBLIC SCHOOL ENDOWMENT FUND FOR PURCHASING SPECIFIED NOTES, TO CLARIFY THE AMOUNT IN NOTES THE BOARD IS REQUIRED TO HOLD, TO PROVIDE A LIMITATION ON THE PRINCIPAL AMOUNT OF BONDS GUARANTEED BY THE CREDIT ENHANCEMENT PROGRAM AND TO PROVIDE A MAXIMUM LIMIT OF BONDS THAT MAY BE GUARANTEED BY THE CREDIT ENHANCEMENT PROGRAM; AND DECLARING AN EMERGENCY.

S 1155
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO EMPLOYMENT OF UNAUTHORIZED ALIENS; TO PROVIDE LEGISLATIVE FINDINGS; AMENDING SECTION 18-3001, IDAHO CODE, TO REVISE THE AMOUNT OF A FINE AND TO PROVIDE FOR A MISDEMEANOR; AMENDING TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 4, TITLE 44, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO PROHIBIT EMPLOYMENT OF UNAUTHORIZED ALIENS, TO PROVIDE PROVISIONS RELATING TO THE FILING AND INVESTIGATION OF A COMPLAINT, TO PROVIDE FOR A MISDEMEANOR, TO PROVIDE FOR NOTICE, TO PROVIDE PROVISIONS RELATING TO ACTIONS AGAINST CERTAIN EMPLOYERS, TO PROVIDE FOR EXCEPTIONS, TO PROVIDE FOR PENALTIES, TO PROVIDE THAT THE ATTORNEY GENERAL SHALL MAINTAIN A DATABASE OF CERTAIN COURT ORDERS, TO PROVIDE FOR APPLICATION OF FEDERAL LAW, TO PROVIDE FOR EXCEPTIONS AND AN AFFIRMATIVE DEFENSE, TO PROVIDE PROVISIONS RELATING TO CERTAIN EMPLOYMENT AUTHORIZATIONS, TO PROVIDE FOR COMPLIANCE WITH FEDERAL LAW, TO PROVIDE THAT THE STATE OF IDAHO SHALL VERIFY CERTAIN EMPLOYMENT AUTHORIZATIONS, TO PROVIDE FOR A PERFORMANCE AUDIT, TO REQUIRE POLITICAL SUBDIVISIONS TO VERIFY CERTAIN EMPLOYMENT AUTHORIZATIONS, TO PROVIDE PROVISIONS RELATING TO THE AWARD OF CERTAIN

CONTRACTS AND TO DEFINE A TERM; AMENDING SECTION 49-303, IDAHO CODE, TO PROVIDE THAT THE IDAHO TRANSPORTATION DEPARTMENT SHALL NEITHER ISSUE A DRIVER'S LICENSE TO AN ILLEGAL ALIEN NOR TO CERTAIN OTHER PERSONS, TO PROVIDE THAT THE STATE OF IDAHO SHALL NOT HONOR CERTAIN DRIVER'S LICENSES, TO PROVIDE FOR PUBLIC POLICY, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 2, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-218A, IDAHO CODE, TO PROHIBIT MUNICIPAL SANCTUARIES, TO PROVIDE PROVISIONS RELATING THERETO AND TO DEFINE A TERM; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3035D, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO NOTICE FROM THE STATE TAX COMMISSION TO CERTAIN EMPLOYERS; PROVIDING SEVERABILITY; AND TO PROVIDE EFFECTIVE DATES.

S 1156
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE SUNSHINE LAW; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6631, IDAHO CODE, TO PROVIDE FOR A FINANCIAL DISCLOSURE STATEMENT FOR PUBLIC OFFICERS AND CANDIDATES FOR PUBLIC OFFICE, TO PROVIDE A DUTY TO FILE, TO PROVIDE THE CONTENTS OF THE STATEMENT, TO PROVIDE PROCEDURES AND TO PROVIDE PENALTIES.

S 1153, S 1154, S 1155, and S 1156 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 217, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 205 and H 206, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 213, by State Affairs Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 220, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 222, by Education Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 195, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 46, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 73, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 161, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 106, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

HCR 25 and HCR 28, by State Affairs Committee, were introduced, read at length, and referred to the State Affairs Committee.

HCR 27, by Education Committee, was introduced, read at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 70, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

H 152, as amended in the Senate, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

H 76, as amended in the Senate, by Business Committee, was read the second time at length and filed for third reading.

S 1074, as amended, as amended, by Education Committee, was read the second time at length and filed for third reading.

S 1020, as amended, by Schroeder, was read the second time at length and filed for third reading.

S 1108, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Coiner was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, S 1140, having been held, retained its place on the Third Reading Calendar for one legislative day.

S 1086 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Geddes, Goedde, Heinrich, Jorgenson, Keough, McGee, McKague, Pearce, Sagness (Malepeai), Siddoway, Smyser, Thorson (Stennett), Winder. Total - 22.

NAYS—Bock, Coiner, Corder, Hammond, Hill, Kelly, LeFavour, Lodge, McKenzie, Mortimer, Schroeder, Stegner, Werk. Total - 13.

Total - 35.

Whereupon the President Pro Tempore declared S 1086 passed, title was approved, and the bill ordered transmitted to the House.

S 1137 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Lodge, McGee, McKague, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Thorson (Stennett), Winder. Total - 27.

NAYS—Bock, Davis, Kelly, Keough, LeFavour, McKenzie, Stegner, Werk. Total - 8.

Total - 35.

Whereupon the President Pro Tempore declared S 1137 passed, title was approved, and the bill ordered transmitted to the House.

H 143 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared H 143 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10:30 a.m., Wednesday, March 18, 2009.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary